Claim Rejections - 35 USC §103

Claims 1-25 stand rejected under 35 USC §103(a) as being unpatentable over Bries et al. (6,001,471) in view of Luhmann (5,626,931).

Independent claim 1 is directed to an adhesive article including a stretch releasing adhesive strip having a first adhesive region, a second adhesive region with reduced adhesive properties, and a pull tab adjacent the second adhesive region.

Independent claim 13 is directed to a mounting system including a structure and an adhesive strip for attaching the structure to a substrate wherein the adhesive strip includes a first adhesive region positioned to attach the top portion of the structure to the surface and a second adhesive region positioned to attach the bottom portion of the structure to the substrate, wherein the second adhesive region has reduced adhesive properties.

Independent claim 17 is directed to an adhesive article for attaching a structure to a substrate including an adhesive layer with a first adhesive region adapted to attach a top portion of the structure to the substrate and a second adhesive region with reduced adhesive properties adapted to attach the bottom portion of the structure to the substrate, wherein the adhesive layer is adapted to delaminate from the substrate by reverse peel.

Thus, in independent claim 1, the second adhesive region, which has reduced adhesive properties, is adjacent the pull tab, and in independent claims 13 and 17, the second adhesive region is positioned to attach the bottom portion of a structure to a substrate. Neither Bries et al. or Luhmann, whether taken alone or in combination, disclose, teach or suggest such an adhesive article.

As noted in M.P.E.P. §2143, one of the requirements to show a prima facie case of obviousness is that the prior art references when combined must teach or suggest all the claim limitations. Since neither Bries et al. nor Luhmann teach an adhesive article having a second adhesive region with reduced adhesive properties adjacent a pull tab or an adhesive article having a second adhesive region with reduced adhesive properties adapted to attach a bottom portion of a structure to a substrate, it is not seen how any of the claims can be considered obvious over this combination of references.

In addition, according to M.P.E.P §706.02(j), a rejection under 35 U.S. C. §103 should set forth, among other things, the proposed modification of the applied references necessary to arrive at the claimed subject matter, and an explanation of why such proposed modification would have been obvious to one of ordinary skill in the art at the time the invention was made. In addition, this same section of the M.P.E.P. states that to establish a prima facie case of obviousness, three basic criteria must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or references when combined) must teach or suggest all the claim limitations. Moreover, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, and not based on Applicants' disclosure.

To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. In the subject application, this burden has not been met. The examiner has not pointed to any teaching, express or implied, in the references that would suggest the claimed invention or any teaching in the prior art that suggests that the teachings could or should be combined. Nor has the examiner presented a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. If this rejection is maintained, the examiner is requested to more clearly communicate the basis and rationale for the rejection.

The Bries et al. patent U.S. patent No. 6,001,471 discloses a stretchable adhesive tape having a lower adhesion or non-adhesive portion on one adhesive surface so that a corresponding greater adhesion adhesive portion on the other side remains more aggressively adhered to a surface during stretch removal while the portion of the one adhesive surface is less aggressively adhered or completely released from its surface. The improvement of the Bries et al. tape lies in the ability to control the timing of the debonding of both surfaces so that one adhesive surface releases before the other. (Bries et al., col. 2, lines 41-44.) The improvement allows an object to

be removed without risking substantial snap back of the adhesive tape or catapulting of the object. (Bries et al., col. 2, lines 50-53.)

To achieve this, however, the adhesive arrangement disclosed by Bries et al., is reversed from that of the present invention. That is, the lower adhesion or non-adhesive portion is provided adjacent the second end of the tape opposite the manually engageable pull tab. (See, e.g., Bries col. 3, line 49; col. 4, lines 10, 26-27; col. 6, lines 10-16.) Thus, during removal, the lower adhesion or non-adhesive portion is the last portion of the adhesive tape to be removed from the associated object and/or surface. And when the adhesive tape is used to mount an object on a vertical wall surface, the lower adhesion or non-adhesive portion is adjacent the top of the mounted object.

The present invention, in contrast, provides a second adhesive region with reduced adhesive properties adjacent the pull tab. Accordingly, the second adhesive region is the first region to be removed during the removal process. And when the adhesive article of the present invention is used to attach an object to a surface, the second adhesive region is adjacent the lower end of the object.

The Luhmann reference does not cure the deficiently of the Bries et al. reference, and in fact suffers from the same deficiently as Bries et al. Luhmann has been cited for teaching adhesive strips with reducing adhesive properties toward the end of the strip. (See Luhmann claim 1 which provides in part: "the first strip end terminating in a pointed, serrated, convex curved or wavy shape and the first strip from said end extending to said second end which serves as a tab for pulling.") Accordingly, the teachings of this reference, whether taken alone or in combination with the teaching of Bries et al., in no way render the present invention unpatentable.

The Examiner asserts that it would have been obvious to one having ordinary skill in the art at the time the invention was made (for claims 1-12) to rearrange the position of the first and second adhesion regions to still be able to facilitate a controlled sequential release of adhesive surfaces, and the tape can be removed without substantially damaging the surface, since it has been held that rearranging parts of an invention involves only routine skill in the art (citing *In re Japiske*). This is erroneous for the following reasons.

First, rearranging the position of the first and second adhesion regions would allow for controlled sequential release of adhesive surfaces. Rather, it would prevent it. In order to achieve controlled sequential release, the adhesive surfaces at the end of adhesive strip during the removal process must be offset. By rearranging the position of the first and second adhesive regions as suggested by the Examiner, the offset would be eliminated and, consequently, controlled sequential release would be lost. Bries et al. explains that "with the use of [the Bries et al.] release strip, the one side completely debonds from its adhered surface prior to the complete debonding of the other side." (Bries et al., col. 3, lines 8-10. See also, Bries et al. col. 4, lines 47-52.) By rearranging the first and second adhesive regions, this characteristic feature of the Bries et al. tape would be destroyed.

Second, the Examiner's reliance on *In re Japiske* is misplaced because that case held that claims to a hydraulic power press which read on the prior art except with regard to the position of the starting switch were unpatentable because shifting the position of the starting switch would not have modified the operation of the device. Changing the position of the first and second adhesive regions of the Bries et al. adhesive tape as suggested by the Examiner, however, would completely alter the operation of the device because it would eliminate the controlled sequential release. In addition, such a change would be in conflict with the teaching of the reference to provide a low or non-adhesive region at the end of the adhesive strip. Changing the position of the adhesive regions would therefore be contrary to the purpose of the Bries et al. invention and would alter the essential character of the adhesive tape. Accordingly, it would not have been obvious to one of ordinary skill to rearrange the position of the first and second adhesion regions as suggested by the Examiner.

In addition, the Bries et al. adhesive tape and the present invention are directed to solving different problems. Namely, Bries et al. is directed to allowing an object mounted with the adhesive tape to be removed without risking substantial snap back of the adhesive tape or catapulting of the object. This is achieved by providing a region having no adhesive properties or adhesive properties that are significantly reduced adjacent the second end of the tape. The present invention, in contrast, is directed to preventing damage to a wall surface during failure of the adhesive article. This is achieved by providing a low or non-adhesive region either at the

bottom of the adhesive article or, in the case of a stretch releasing adhesive with a pull tab, adjacent to the pull tab.

Moreover, there is no suggestion or motivation, implied or express, to modify the Bries et al. or Luhmann references so that the non-adhesive or lower adhesive region is adjacent the pull tab. Rather, the adhesive tapes of these references are complete and functional in themselves, so there would be no reason to modify them in any manner.

Applicant also respectfully traverses the Examiner's assertion that the process of "reverse peel" is inherently the same as the regular "removal tab" and respectfully requests that a reference in support of this assertion be cited. In contrast to this assertion, Applicant notes that both the Bries et al. and Luhmann adhesive tapes are removed by applying a force to the pull tab, thereby causing the tape to stretch. As the tape is stretched, a simultaneous progressive debonding of the adhesive tape from the surfaces of both the object and the wall occurs. (See e.g. Bries et al. col. 7, lines 33-46.) Removal occurs in the direction from the region of highest adhesive properties to the region of lowest adhesive properties.

Reverse peel removal, in contrast, refers to the ability to delaminate from a structure in the direction from the region of lowest adhesive properties to the region of highest adhesive properties as shown and described on page 10, lines 25-27 and in Fig. 7 of the present application. Moreover, reverse peel is removal by peeling without stretching and may involve removal of the adhesive tape from either the object or the surface. Thus, the removal mechanism described by Bries et al. and Luhmann is completely different from the "reverse peel" removal of the present invention.

In summary, neither Bries et al. or Luhmann individually discloses, teaches, or suggests an adhesive article as defined in independent claims 1, 13, or 17, and there would be no reason to modify these references in a manner required to meet the claims. In addition, there is no suggestion to combine the references, and even if the references were combined, the references would still not meet the claims. Accordingly claims 1, 13, and 17 are believed to be allowable over the cited references. Reconsideration is respectfully requested. The remaining dependent claims, as depending from allowable claims, are also deemed to be in condition for allowance.

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Respectfully submitted,

By David B Patchett

David B. Patchett

Registration Number	Telephone Number
39,326	(651) 736-4713
Date	
November 19, 2002	

Office of Intellectual Property Counsel
3M Innovative Properties Company
P.O. Box 33427
St. Paul, Minnesota 55133-3427
Facsimile: (651) 736-3833